

REMARKS

Reconsideration and allowance of this application, in light of the Request for Continued Examination, in light of the amendments presented herein, and in light of the accompanying remarks is respectfully requested.

A minor element numbering correction has been made on page 7 of the specification to agree with the drawings and the other portions of the specification as originally filed.

Amendments have been made to independent claim 1 and dependent claims 2-8.

Claims 10-16 have been withdrawn.

New claims 17-29 have been added.

Support for the new claims and amended claims is found in the application specification, claims, and drawings as originally filed.

THE REJECTIONS OF CLAIMS 1-9 ARE OVERCOME

Of the presently pending rejected claims 1-9, only claim 1 is an independent claim, and each of the remaining claims 2-9 is directly or indirectly dependent upon independent claim 1.

As now amended, independent claim 1 sets forth, inter alia, substantially undeformable attachment means. For example, in the instant application FIGS. 1 and 2, the attachment means lugs 108 are deflectable but are not plastically deformable as the attachment device 1 is installed on the recipient.

In contrast, both of the references applied by the Examiner, U.S. Patent No. 5,069,369 (to McGarvey) and U.S. Patent No. 6,53,941 (to Van Brocklin et al.), teach away from such a feature. They teach the use of plastically deforming attachment means.

Specifically, McGarvey discloses a deformable attachment means comprising skirt 30. The Van Brocklin et al. patent teaches the use of a deformable attachment means skirt 34.

It would not have been obvious to one of ordinary skill in the art to seriously consider that either McGarvey or Van Brocklin et al. somehow teach the use of nondeformable attachment means or that the structures shown in McGarvey or Van Brocklin could even function with a nondeformable attachment means. Accordingly, withdrawal of the rejection of independent claim 1, as now amended, over McGarvey and Van Brocklin et al. is respectfully requested.

--The Dependent Claims 2-9

Dependent claims 2-9 are each directly or indirectly dependent on independent claim 1 discussed above. Therefore, each of these claims includes all of the features set forth in independent claim 1. For the reasons given above in arguing for the withdrawal of the rejections of claim 1 over McGarvey and Van Brocklin et al., the dependent claims 2-9 should also be allowable. Accordingly, withdrawal of the rejections of dependent claims 2-9 is respectfully requested.

NEW CLAIMS 17-29 ARE ALLOWABLE

Independent claim 17 and claims 18-24 dependent thereon (either directly or indirectly) set forth a deformable flexible connection (e.g., element 106 in FIG. 1 as described in the specification at page 6, lines 2-11 and page 8, lines 1-4). The flexible connection is spaced from the upper end of the recipient (e.g., container 4) when the device 1 is initially not fully installed on the recipient (e.g., prior to the attachment means engaging below the recipient rim), and the skirt 101 is then in contact only with the recipient rim 41, and only the plate 102 is in contact with the recipient upper end (or optional seal 3 if one is used).

McGarvey teaches away from the structure claimed in claims 17-24 because, as shown in FIG. 2A of McGarvey, McGarvey requires a space between the plate of collar 14 and the upper end of the container (or any seal thereon). Further, if one assumes, arguendo, that the outer corner of the McGarvey ring or collar 14 is a deformable flexible connection, then that collar portion is in direct contact with the upper end of the recipient container--contrary to the instant application amended claims 17-24.

Van Brocklin also teaches away from the structure claimed in claims 17-24 because Van Brocklin requires (as shown in FIG. 1 of Van Brocklin) the portion 54 of the skirt 34 to directly contact the top of the neck of the recipient container--contrary to the instant application amended claims 17-24.

Independent claim 25, and claims 26-29 directly or indirectly dependent thereon, set forth, inter alia, a deformable flexible connection (e.g., connection 106) having an initial undeformable state and a final deformable state wherein the attachment means engages the recipient neck below the rim only when the connection is in the final deformed state and wherein the attachment means has identical initial and final states so that the attachment means is substantially undeformed.

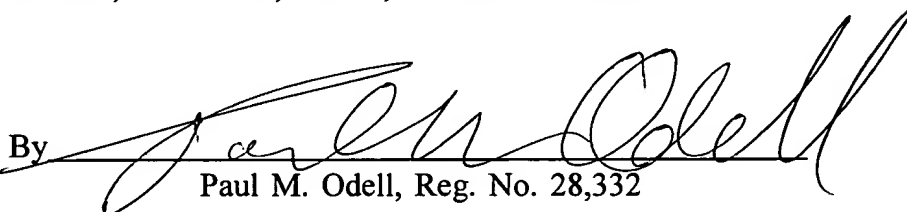
In contrast, McGarvey and Van Brocklin teach that the attachment means must be deformed.

In view of the above discussion, it is believe that new claims 17-29 set forth patentable subject matter. Accordingly, allowance of the new claims 17-29 is respectfully requested.

Further, it is believed that this entire application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

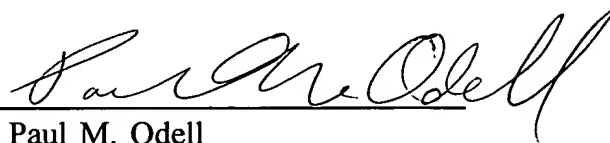
By 
Paul M. Odell, Reg. No. 28,332

500 West Madison Street, Suite 3800
Chicago, Illinois 60661-2511
(312) 876-1800

Serial No. 09/775,949 - - - 18

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2003.

A handwritten signature in cursive script, reading "Paul M. Odell", is written over a horizontal line.

Paul M. Odell